

Remarks

In the non-final Office Action dated February 19, 2009, the following grounds of rejection are presented: claims 1-15 stand rejected under 35 U.S.C. § 102(e) over Brooks (U.S. Patent Pub. 2001/0039600). In the following discussion, Applicant does not acquiesce in any regard to averments in this Office Action (unless Applicant expressly indicates otherwise).

Applicant respectfully traverses the § 102(e) rejection of claims 1-15 because the cited portions of the '600 reference do not correspond to aspects of the claimed invention directed to the data networking functions performed by a data networking engine being completely partitioned/decoupled from the other cable modem functions performed by a cable modem engine. The cited portions of the '600 reference teach a cable modem device 100 that includes two separate processors 102 and 104 (*see, e.g.*, Figure 1 and paragraphs 0024-0026, which are apparently being asserted as corresponding to the DOCSIS MAC processor and the DOCSIS controller of Applicant's cable modem engine (*see, e.g.*, claims 5-14). Applicant submits that the '600 reference does not teach a separate data networking engine (as claimed) that implements certain functionality in a manner that is completely partitioned/decoupled from the functionality performed by processors 102 and 104 of cable modem device 100. Specifically, the '600 reference teaches that the home-networking functionality is implemented by the same processors that implement the DOCSIS and VoIP functionality, instead of implementing these functionalities in a partitioned manner in separate engines, as claimed. Thus, the cited portions of the '600 reference do not correspond to the claimed invention.

Applicant notes that the Office Action does not identify what element of the '600 reference is being asserted as corresponding to Applicant's data networking engine. In fact, the Office Action fails to provide any explanation regarding which specific elements of the '600 reference (*e.g.*, processors 102 and 104) are alleged to correspond to any element of the claimed invention (*e.g.*, Applicant's data networking engine, cable modem engine, DOCSIS MAC processor and the DOCSIS controller). In order to comply with 35 U.S.C. § 132, sufficient detail must be provided by the Examiner regarding the alleged correspondence between the claimed invention and the cited reference to enable Applicant to adequately respond to the rejections. *See, also*, 37 CFR 1.104 ("The pertinence of each reference, if not apparent, must be clearly explained and each rejected

claim specified.”) and M.P.E.P. § 706.02(j), (“It is important for an Examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply.”). As such, should any rejection based on the ‘600 reference be maintained, Applicant respectfully requests that the Examiner specifically identify which element of the ‘600 reference is being alleged to correspond to each element of the claimed invention.

In view of the above, the § 102(e) rejection of claims 1-15 is improper and Applicant requests that it be withdrawn.

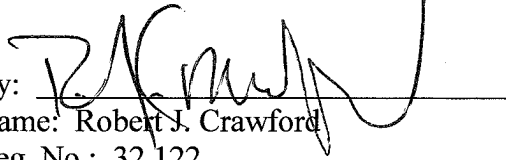
Applicant further traverses the § 102(e) rejection of various dependent claims because the Office Action fails to adequately address these claims. Regarding claim 7, the ‘600 reference does not teach that processor 102 (taught by the ‘600 reference to implement MAC functionality) processes PDU packets and forwards these packets to an apparently nonexistent data networking engine (as claimed) without the involvement of some other processor, which is not identified by the Office Action. Regarding claims 9, 11 and 13-14, the ‘600 reference does not teach that cable modem device 100 implements functionality of the PacketCable specification or functionality of the CableHome specification. In fact, the ‘600 reference does not make any mention of either the PacketCable specification or the CableHome specification. Accordingly, the § 102(e) rejection of claims 7, 9, 11 and 13-14 is improper and Applicant requests that it be withdrawn.

In view of the above, Applicant believes that each of the rejections is improper and should be withdrawn and that the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, David Cordeiro, of NXP Corporation at (408) 474-9063 (or the undersigned).

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